

IN THE SENATE

SENATE BILL NO. 1005, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING SECTION 18-1505B, IDAHO CODE, TO REVISE A DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-1505B, Idaho Code, be, and the same is hereby amended to read as follows:

18-1505B. SEXUAL ABUSE AND EXPLOITATION OF A VULNERABLE ADULT. (1) It is a felony for any person, with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of such person, a vulnerable adult or a third party, to:

(a) Commit any lewd or lascivious act or acts upon or with the body or any part or member thereof of a vulnerable adult including, but not limited to: genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact or manual-genital contact, whether between persons of the same or opposite sex;

(b) Involve a vulnerable adult in any act of bestiality or sadomasochism as defined in section 18-1507, Idaho Code; or

(c) Cause or have sexual contact with a vulnerable adult, not amounting to lewd conduct as defined in paragraph (a) of this subsection.

(2) For the purposes of this section:

(a) "Sexual contact" means any physical contact between a vulnerable adult and any person or between vulnerable adults, which is caused by the actor, or the actor causing the vulnerable adult to have self-contact; ~~and~~

(b) "Sexually exploitative material" means any photograph, motion picture, videotape, print, negative, slide or other mechanically, electronically or chemically reproduced visual material that depicts a vulnerable adult engaged in, participating in, observing or being used for explicit sexual conduct as defined in section 18-1507, Idaho Code; and

(c) "Vulnerable adult" is as defined in section 18-1505, Idaho Code.

(3) Sexual abuse of a vulnerable adult is a felony and shall be punishable by imprisonment in the state prison for a period not to exceed twenty-five (25) years or by a fine not to exceed twenty-five thousand dollars (\$25,000), or by both such fine and imprisonment.

(4) It shall be a felony for any person to commit sexual exploitation of a vulnerable adult if, for any commercial purpose, as defined in section 18-1507, Idaho Code, he knowingly:

(a) Causes, induces or permits a vulnerable adult to engage in or be used in any explicit sexual conduct as defined in section 18-1507, Idaho Code; or

(b) Prepares, arranges for, publishes, produces, promotes, makes, sells, finances, offers, exhibits, advertises, deals in, possesses or distributes sexually exploitative material ~~as defined in section 18-1507, Idaho Code, depicting a vulnerable adult engaged in, observing, or being used for explicit sexual conduct.~~

1 (5) The possession by any person of three (3) or more identical copies of any sexually
2 exploitative material shall create a presumption that such possession is for a commercial
3 purpose.

4 (6) Sexual exploitation of a vulnerable adult shall be punishable by imprisonment in the
5 state prison for a period not to exceed fifteen (15) years or by a fine not to exceed twenty-five
6 thousand dollars (\$25,000), or by both such fine and imprisonment.